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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,914	07/30/2003	Ronald S. Lesniak	034297-000052	9610

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/631,914

Applicant(s)

LESNIAK ET AL.

Examiner

Jefferey F. Harold

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-3, 5, 8, 9, and 11-20*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (United States Patent 6,661,890) in view of Yun (United States Patent 6,084,959) and further in view of Dalal et al (United States Patent 6,115,469).

Regarding **claims 1 and 2**, Ellis discloses an apparatus for prestored bypass dialing. In addition, Ellis discloses a method and apparatus for controlling the ring volume of a telephone. Further, Ellis discloses an electronic telephone tone circuit, directly coupled to tip and ring telephone line, operable to detect electric ring signals on the tip and ring telephone line, the electric ring signals associated with a singular incoming telephone call; a ring counter circuitry (40), coupled to the electronic telephone tone circuit, configured to count ring tone signals provided by the electronic telephone tone circuit in response to the electric ring and a volume control unit, coupled to the ring counter configured to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call, as disclosed at column 5, line 60 through column 6, line 6 and exhibited in figures 2 and 3, however, Ellis fails to disclose wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession

when a ringer option switch is set at a crescendo setting; and wherein the ringer control signals are capable of driving an audible ring signal generator without external power supply. However, the examiner maintains that it was well known in the art to provide wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when a ringer option switch is set at a crescendo setting; and wherein the ringer control signals are capable of driving an audible ring signal generator without external power supply, as taught by Yun and Dalal.

In a similar field of endeavor Yun discloses a method and apparatus for controlling the ring volume of a telephone. In addition, Yun discloses gradually increasing the ring volume level according to the number of ring signals detected, which reads on "having a crescendo setting". Further CPU (16), which reads on claimed "ringer counter circuitry" receives input from the ring detector (12) indicating the presence of a ring signal on the line and outputs a control signal. The CPU output signal selects the signal level of the ring tone output from the tone ringer (10), as disclosed at column 2, line 66 through column 3, line 34 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis by providing wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when a ringer option switch is set at a crescendo setting, as taught by Yun, for the purpose of allowing the user to

hear the telephone when the user is far away from the telephone or there is an noisy environment.

Regarding wherein the ringer control signals are capable of driving an audible ring signal generator without external power supply, Dalal discloses this in a similar endeavor. Specifically Dalal discloses a telephone line ring signal and DC power generator. Further Dalal discloses wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when a ringer option switch is set at a crescendo setting, as disclosed at column 3, line 29 through column 5, line 13 and exhibited in figures 1 and 2.

Regarding **claim 3**, Ellis, Yun and Dalal, the combination, disclose everything claimed as applied above (see claim 2), in addition Yun discloses wherein the audible ring generator comprises a speaker, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claim 5**, Ellis, Yun and Dalal, the combination, disclose everything claimed as applied above (see claim 1), in addition Yun discloses the audible ring generator is configured to provide a succession of audible ring signals, a first audible ring signal of the succession having a minimum volume and subsequent audible ring signals of the succession having increasing volume levels, as disclosed at column 2, line 66 through column 4, line 51 and exhibited in figures 1 and 2.

Regarding **claims 8, 9, and 11-20**, the combination discloses everything claimed as applied above (see claims 1, 2, 3, and 5). Therefore claims 8, 9 and 11-20 and

interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 2, 3 and 5.

2. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Yun and further in view of Hoashi et al. (United States Patent 5,870,684), hereinafter referenced as Hoashi.

Regarding **claim 7**, Ellis, Yun and Dalal, the combination, disclose everything claimed as applied above (see claim 1), however, the combination fails to disclose a displayable menu system coupled to the volume control unit having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option. However, the examiner maintains that it was well known in the art to provide disclose a displayable menu system coupled to the volume control unit having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, as taught by Hoashi.

In addition, Hoashi discloses a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically disclose a displayable menu system coupled to the volume control unit having a menu key, which

when activated provides a user with one or more ringer options, including a crescendo ringing option, as taught by Hoashi, for the purpose of providing a graphical user interface to control the ringer functions.

### ***Response to Arguments***

3. Applicant's arguments, see pages 8 and 9, filed September 19, 2006, with respect to 10 CFR 112 rejection have been fully considered and are persuasive. The rejection of 8, 9 and 11-20 has been withdrawn.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

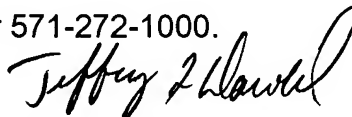
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JFH  
November 27, 2006



Jefferey F Harold  
Primary Examiner  
Art Unit 2614